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UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

ORACLE USA, INC.; a Colorado corporation;
ORACLE AMERICA, INC.; a Delaware
corporation; and ORACLE INTERNATIONAL
CORPORATION, a California corporation.

Plaintiffs,

V.

RIMINI STREET, INC., a Nevada corporation;
and SETH RAVIN, an individual.

Defendants.

Case No. 2:10-cv-0106-LRH-VCF

**DECLARATION OF KATHLEEN
R. HARTNETT IN SUPPORT OF
ORACLE'S MOTION
ATTORNEYS' FEES ON APPEAL**

PUBLIC REDACTED VERSION

DECLARATION OF KATHLEEN R. HARTNETT IN SUPPORT OF ORACLE'S MOTION
FOR ATTORNEYS' FEES ON APPEAL

1 I, Kathleen R. Hartnett, declare as follows:

2 1. I am an attorney admitted to practice *pro hac vice* before this Court in the above
3 captioned matter and a partner with Boies Schiller Flexner LLP (“BSF”), counsel of record for
4 Plaintiffs Oracle USA, Inc., Oracle America, Inc., and Oracle International Corporation in this
5 action. I submit this declaration in support of Oracle’s motion for attorneys’ fees on appeal in the
6 above-captioned lawsuit.

7 2. I have been involved in this matter since Fall 2016. Based on my work on this
8 matter, my involvement in billing on this matter, and my review of the files and records in this
9 matter, I have firsthand knowledge of the contents of this declaration, except where otherwise
10 noted as based on information and belief, and I could testify thereto.

11 **Exhibits**

12 3. Attached as Exhibit 1 are excerpts of true and correct copies of BSF’s bills for
13 September 2018, November 2018, January 2019, March 2019, June 2019, and July 2019 for
14 BSF’s work on the second appeal in this matter. Time entries for which Oracle does not seek
15 reimbursement have been omitted or redacted from these excerpted invoices.

16 4. Exhibit 2 summarizes the number of unredacted hours that each BSF attorney and
17 legal support staff billed in these excerpted invoices, along with the dollar amounts billed for
18 those hours for which Oracle seeks reimbursement.

19 **BSF Fees and Billing Practices**

20 5. BSF’s work on the appeal began in August 2018.

21 6. BSF has not yet been paid by Oracle on this matter for time in August 2019, or
22 September 2019. I estimate that the total of entries from each of those bills for which Oracle will
23 seek reimbursement will total approximately \$660.80 and at least \$20,000, respectively. I
24 understand that the Court previously permitted Oracle to submit supplemental invoices in its
25 previous motion for attorneys’ fees, and that Oracle may seek to do so again here, if so permitted.

26 7. Oracle paid the amounts shown in Exhibit 2.

27 [REDACTED]

28 9. Exhibit 1 and Exhibit 2 do not include amounts that were paid and invoiced for

1 block-billed entries where all or part of the description of the work related to work other than the
2 appeal or this motion for attorneys' fees, or where all or part of the description needed to be
3 redacted due to privilege or other reasons.

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9 11. Oracle's in-house counsel have been directly involved in this matter since its
10 inception. They have supervised our work and reviewed our bills, and have often asked questions
11 about our bills. In some instances they have asked that we write off time spent on certain tasks,
12 though no write-offs were requested with respect to work on this matter relating to Rimini's 2018
13 appeal or to Oracle's Motion for Attorneys' Fees in the August 2018 to July 2019 time period.

14 12. In connection with Oracle's Motion, I personally reviewed the billing records
15 again for this case and I obtained the further assistance of other lawyers on the team to review
16 them. All timekeepers track their time by the day to the nearest tenth of an hour. Based on my
17 review and involvement in this matter, the time billed by BSF attorneys and other timekeepers on
18 this matter was reasonable in light of the needs of the case and the complexity of the issues.

19 **BSF's Timekeepers**

20 13. I am a partner in the San Francisco office of BSF. I graduated with a J.D. from
21 Harvard Law School, *magna cum laude* and with an A.B. from Harvard College *magna cum*
22 *laude*. I served as a law clerk to Justice John Paul Stevens of the U.S. Supreme Court and Hon.
23 Merrick B. Garland, United States Court of Appeals for the D.C. Circuit. My practice involves
24 litigation of complex actions at both the appellate and district court levels. A summary of the
25 time I spent on this matter and the value of that work is contained in Exhibit 2 hereto. My hourly
26 rates for this matter (after any applicable discount) were as follows:

1 14. William Isaacson is a partner in the Washington, D.C., office of BSF. He
2 graduated from the University of Virginia School of Law, *Order of the Coif*, in 1986 and served
3 as law clerk to Hon. Harrison L. Winter, Chief Judge, United States Court of Appeals for the
4 Fourth Circuit, from 1986 to 1987. Among others, Mr. Isaacson served as trial counsel in this
5 action, as well as *O'Bannon v. NCAA* (N.D. Cal.), *In re Apple iPod iTunes Antitrust Litigation*
6 (N.D. Cal.), *Animal Science Products v. Mitsui & Co.* (D.D.C.), and *In re Scrap Metal Antitrust*
7 *Litigation* (N.D. Ohio). He is a member of the faculty of The Sedona Conference on Antitrust
8 Law & Litigation and has received numerous awards, including being named one of the 500
9 leading lawyers in the U.S. by the publication *Lawdragon* (2013-2014), winning The AmLaw
10 Litigator of the Week three times (2013 & 2014), and being named competition MVP and Titan
11 of the Plaintiff Bar by Law360 (2014). A summary of the time Mr. Isaacson spent on this matter
12 and the value of that work is contained in Exhibit 2 hereto. His hourly rates for this matter (after
13 any applicable discount) were as follows:

14 [REDACTED]
15 15. **Beko Reblitz-Richardson** is counsel in the San Francisco office of BSF (and was
16 a partner during the time worked on this matter). He graduated from the University of California,
17 Berkeley, Boalt Hall School of Law in 2005 and served as Articles Editor of the Ecology Law
18 Quarterly. Mr. Reblitz-Richardson was a member of the trial team in this action. A summary of
19 the time Mr. Reblitz-Richardson spent on this matter and the value of that work is contained in
20 Exhibit 2 hereto. His hourly rates for this matter (after any applicable discount) were as follows:

24 I executed this declaration on September 20, 2019 in San Francisco, California. I declare
25 under penalty of perjury under the laws of the United States that the foregoing is true and correct.

1 DATED: September 20, 2019

BOIES SCHILLER FLEXNER LLP

2 By: /s/ Kathleen R. Hartnett
3 Kathleen R. Hartnett

4 Attorneys for Plaintiffs Oracle USA, Inc.,
5 Oracle America, Inc., and Oracle International
6 Corporation

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CERTIFICATE OF SERVICE

I hereby certify that on the 20th day of September 2019, I electronically transmitted the foregoing **DECLARATION OF KATHLEEN R. HARTNETT IN SUPPORT OF ORACLE'S MOTION FOR ATTORNEYS' FEES ON APPEAL** to the Clerk's Office using the CM/ECF System for filing and transmittal of a Notice of Electronic Filing to all counsel in this matter; all counsel being registered to receive Electronic Filing.

DATED: September 20, 2019

MORGAN, LEWIS & BOCKIUS LLP

By: /s/ John A. Polito
John A. Polito

Attorneys for Plaintiffs Oracle USA, Inc.,
Oracle America, Inc., and Oracle International
Corporation